

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:18-cv-605

MICHAEL LIGON,

Plaintiff,

v.

THE KROGER CO. and KROGER LIMITED
PARTNERSHIP I

Defendants.

NOTICE OF REMOVAL

TO: The United States District Court
For the Eastern District of North Carolina
Western Division

Defendants The Kroger Co. and Kroger Limited Partnership I, through their undersigned counsel, do hereby exercise their rights under the provisions of Title 28 U.S.C. § 1441 et seq., to remove this action from the General Court of Justice, Superior Court Division, Wake County, North Carolina, in which this cause is now pending as Case No. 18 CVS 14115. Defendants show unto the Court as follows:

1. This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction pursuant to Title 28 U.S.C. § 1332 in that complete diversity of citizenship existed at the time of the filing of this action and still exists as between the plaintiff on the one hand and the defendants on the other, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

2. Under the provisions of 28 U.S.C. § 1441 et seq., the right exists to remove this cause from the General Court of Justice, Superior Court Division, Wake County, North Carolina, to

the United States District Court for the Eastern District of North Carolina, which is the District where this action is pending.

3. In his Complaint, plaintiff asserts claims against the defendant grounded in negligence, and seeks to recover compensatory damages allegedly arising out of defendants' conduct.

4. Upon information and belief, plaintiff is now, and was at the commencement of this action, a citizen and resident of Raleigh, Wake County, North Carolina.

5. Defendants The Kroger Co. and Kroger Limited Partnership I are now, and were at the commencement of this action, a corporation and limited partnership, respectively, organized under and by virtue of the laws of the State of Ohio, with their principal places of business in Cincinnati, Ohio.

6. The date on or before which defendants are required by the Rules of Civil Procedure of the State of North Carolina to answer or otherwise plead to plaintiff's Complaint has not lapsed.

7. In accordance with the requirements of Title 28 U.S.C. § 1446, defendants are electronically filing herewith a copy of all process, pleadings, and orders served upon them in this action (Exhibit A) and this Notice of Removal is being filed within thirty (30) days after the receipt by defendants, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action is based.

8. Service of this Notice of Removal is being made upon on all parties as required by law.

WHEREFORE, defendants pray that this action be removed to this Court for further proceedings, as though this action had originally been instituted in this Court.

This the 26th day of December, 2018.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Brian O. Beverly
BRIAN O. BEVERLY
*Attorneys for Defendants The Kroger Co.
and Kroger Limited Partnership I*
P. O. Box 31627
Raleigh, NC 27622
(919) 782-6860

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the foregoing document upon the attorneys shown below by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorneys.

This the 26th day of December, 2018.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Brian O. Beverly
BRIAN O. BEVERLY
Attorneys for Defendants The Kroger Co.
and Kroger Limited Partnership I
P. O. Box 31627
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Served on:

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